

E-FILED

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,) No. CR 07-00745 JF (PVA
18 Plaintiff,) STIPULATION AND [PROPOSED]
19 v.) ORDER EXCLUDING TIME FROM
JOSE TORRES-CALDERON,) APRIL 7, 2008 TO APRIL 16, 2008 FROM
Defendant.) THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

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21 The parties stipulate that the time between April 7, 2008 and April 16, 2008 is excluded
22 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested
23 continuance would unreasonably deny defense counsel reasonable time necessary for effective
24 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the
25 ends of justice served by granting the requested continuance outweigh the best interest of the
26 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. §3161(h)(8)(A).

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3 DATED: April 7, 2008

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United States Attorney

5 /s/
6 BENJAMIN T. KENNEDY
7 Assistant United States Attorney

8 /s/
9 ALFREDO MORALES
10 Attorney for Defendant

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between April 7, 2008 and April 16, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 4/11/08

Patricia V. Trumbull
PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE